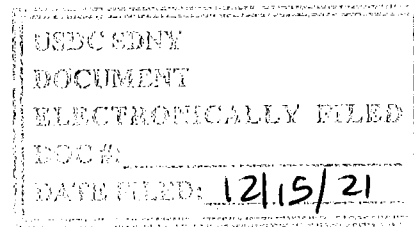


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
ELITE HC GROUP LLC,
Plaintiff,

v.

APOLLO HEALTHCARE CONSULTING &
MANAGEMENT, LLC; ZACHARY LAPIN;
and DAVID EFROYMSON,
Defendants.
-----X**ORDER**

21 CV 10672 (VB)

Plaintiff brings this action invoking subject matter jurisdiction by reason of diversity of citizenship under 28 U.S.C. § 1332.

To invoke diversity jurisdiction under 28 U.S.C. § 1332, there must be complete diversity of citizenship. Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). Thus, 28 U.S.C. § 1332 “applies only to cases in which the citizenship of each plaintiff is diverse from the citizenship of each defendant.” Id.; see also Lincoln Prop. Co. v. Roche, 546 U.S. 81, 89 (2005). Specifically, 28 U.S.C. § 1332(a)(1) applies when the dispute is between “citizens of different States.”

A limited liability company (“LLC”) has the citizenship of each of its individual or entity members. Handelsman v. Bedford Vill. Assocs. Ltd. P’ship, 213 F.3d 48, 51–52 (2d Cir. 2000).

An individual’s citizenship is determined by domicile—“the place where a person has his true fixed home and principal establishment, and to which, whenever he is absent, he has the intention of returning.” Palazzo ex rel. Delmage v. Corio, 232 F.3d 38, 42 (2d Cir. 2000) (internal quotation marks omitted). Thus, an allegation of residency alone is insufficient.

Here, the complaint alleges plaintiff Elite HC Group LLC is an LLC “organized and existing under the laws of the State of New York, with its principal place of business in Rockland County,” New York, and defendant Apollo Healthcare Consulting & Management, LLC, is an LLC “organized and existing under the laws of the State of Texas, with its principal

place of business” in Houston, Texas. However, the complaint identifies neither each individual or entity member of each LLC party, nor each individual or entity member’s citizenship.

Moreover, plaintiff alleges defendant Zachary Lapin resides in Houston, Texas, and defendant David Efroymson resides in Queens, New York.¹ The complaint does not allege either defendant’s citizenship.

Accordingly, by December 22, 2021, plaintiff’s counsel shall submit a letter explaining in detail the citizenship of each party, so that the Court can determine whether it has subject matter jurisdiction.

Dated: December 15, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge

¹ The Court notes that Civil Case Cover Sheet, however, states Efroymson’s address is in Inwood, New York.